

STATE OF NEW MEXICO
COUNTY OF RIO ARriba
FIRST JUDICIAL DISTRICT COURT

VERONICA VIGIL,

Plaintiff,

v.

**ANNE TAINTOR,
ANNE TAINTOR, INC,
DOODLETS, LLC**

Defendants,

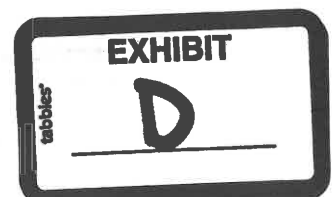
No. ~~D~~- D-117-CV-2014-00380

Complaint for Damages for Invasion of Privacy, Prima Facie Tort, Defamation, Violation of Unfair Trade Practices Act; Compensatory Damages; Punitive Damages; and Injunctive Relief; With Jury Demand

COMES NOW, the Plaintiff, by and through their counsel, A. Blair Dunn, Esq.,
for her Complaint against Defendants does hereby state:

FACTS AND BACKGROUND

1. Plaintiff Veronica Vigil is a resident of Santa Fe County, New Mexico.
2. Defendant Anne Taintor is a resident of New Mexico, residing at her property where she undertook the actions complained of against Plaintiff at the address of 3791 A HWY 96, Youngsville, NM, located in Rio Arriba County, New Mexico.
3. Defendant Anne Taintor, Inc. was a New Mexico corporation registered to do business and doing the business or actions complained of at the address of 3791 A HWY 96, Youngsville, and 3395 State Hwy 96 Coyote, NM, both located in Rio



Arriba County, New Mexico at the time at which alleged injury began to be perpetrated against Plaintiff.

4. Defendant Doodlets, LLC is a resident New Mexico business located in Santa Fe County New Mexico. Defendant Doodlets is an authorized retailer of Anne Taintor, Inc. that, upon information and belief, has sold products bearing the image of Plaintiff for profit.
5. Sometime before 2010 Defendants obtained or took possession of picture that was Plaintiff's high school graduation photograph.
6. Defendants never sought nor received permission for possession or use of Plaintiff's image.
7. Sometime before 2010 Defendants altered the photograph, such that it was still the undeniable likeness of Plaintiff, but contained the derogatory statement that Plaintiff was "going to be the most popular girl in rehab" implying that Plaintiff had a problem with illicit drugs and/or alcohol.
8. Plaintiff is an active member of her church and does not consume alcohol or drugs. Given the seriousness of the issues of substance abuse in the community in which Plaintiff resides, she has held herself out by reputation for her children and her community, to refrain from abuse or even use of alcohol and illicit drugs and has set an example that the issue is a very serious one that destroys families and lives, such that it should not be taken lightly.
9. Since 2010, Defendants have sold thousands of products bearing the derogatory use of Plaintiff's image in New Mexico, and across the world. Defendants have

profited substantially from the unauthorized and defamatory use of Plaintiff's image.

10. Defendants' actions were the cause of Plaintiffs substantial injury by way of loss of privacy and lost reputation.
11. Upon information and belief Defendants Anne Taintor and Anne Taintor, Inc. willfully misappropriated and misused Plaintiff's image for financial gain in a wanton manner with complete disregard for the fact that they has no authorization or right to do. The willful disregard of a person's right to maintain their wholesome image and of a person's right to privacy against the invasion of misuse of their image for commercial purpose is part of a pattern and practice that violates the New Mexico Unfair Trade Practices act to the detriment of Plaintiff, as well as others who have had their image misappropriated and misused, not to mention that the consuming public that has been enticed into purchasing degrading materials that lack the proper authorizations and permissions from use.

Count I: PRIMA FACIE TORT

12. Paragraphs 1 through 11 are incorporated here by reference as if fully set forth,
13. The behaviors and actions described above were made as an intentional failure to conduct reasonable inquiry or seek authorization from this Plaintiff and other individuals for the use of their images and in doing so Defendants caused substantial injury and harm to Plaintiff.

14. Defendant's intentional failure to seek authorization for use of the images before using them for their own financial gain was not justifiable under all the circumstances.
15. Plaintiff's economic, emotional, religious, and reputation injuries were the proximate result of the failure to act by Defendants described above.
16. Defendants are liable to Plaintiffs for compensatory and punitive damages for their intentional failure to act.

Count II: Defamation

17. Paragraphs 1 through 16 are incorporated here by reference as if fully set forth.
18. Plaintiff has a legitimate and meaningful business, religious, moral and personal interest in maintaining her reputation and good name.
19. The use of Plaintiff's image has lead others to believe that Plaintiff either has a problem with drugs and alcohol personally, or she condones the use of her image to make light of an important social issue that affects her community. Such use proximately caused Plaintiff to be held up to scorn and contempt.
20. As a proximate result of the unauthorized use of Plaintiff's image described above Plaintiffs reputation was injured irreparably.
21. Defendants are liable to Plaintiff for compensatory and punitive damages for defamation,

Count III: Presentation to the Public in a False Light

22. Paragraphs 1 through 21 are incorporated here by reference as if fully set forth.

23. The statements made by Defendants describe Plaintiffs as either an addict or uncaring, a bad member of the community, and a person that would make light of others suffering addiction.
24. The actions by defendants described above were intended to present Plaintiff to the public, and had the inevitable effect of presenting Plaintiffs to the public, in a false light, and Defendants knew or should have known that this would be so, but they did so regardless for their own financial gain.
25. Being so portrayed was highly objectionable to Plaintiff, and has caused great damage.
26. Defendants are liable to Plaintiff for compensatory and punitive damages for holding her out to the public in a false light.

Count IV: INVASION OF RIGHT TO PRIVACY/RIGHT TO PUBLICITY

27. Paragraphs 1 through 26 are incorporated here by reference as if fully set forth.
28. Defendants acted to misappropriate and misuse Plaintiff's image in order to sell merchandise with the image of Plaintiff for their own financial gain. Defendants violated Plaintiff's right to privacy in her image and deprived Plaintiff the right to choose to publish her own image in only the manners of which she approved. Defendants did so for financial gain with a wanton and reckless disregard for the rights of Plaintiff.
29. As a direct and proximate result of this invasion of privacy and right to publicity, Plaintiff suffered great economic harm and irreparable injury to her reputation as Plaintiff's image is forever associated with Anne Taintor Inc. and the image

cannot be commercial used for any other purpose without the taint of alcohol or drug use.

30. Defendants are liable to Plaintiff for compensatory and punitive damages for having engaged a commercial enterprise in which they deprived Plaintiff of the profits associated with use of her image and profited from their malfeasance.

Count V: VIOLATIONS OF THE UNFAIR TRADE PRACTICES ACT

31. Paragraphs 1 through 30 are incorporated here by reference as if fully set forth.
32. Defendants Anne Taintor and Anne Taintor, Inc. acted to in violation of the Unfair Trade Practices Act, NMSA §57-12-1 *et al.* by in engaging in a pattern and practice of intentionally misleading or making the representation that goods containing the images of many individuals including Plaintiff that were sold by Defendants were the copyrighted or otherwise authorized materials of Defendants when in fact no such sponsorship by the rightful holders was ever obtained.
33. Plaintiff has been damaged by the pattern and practice of the Defendants in violation of the Unfair Trade Practices Act and seeks just compensation pursuant to NMSA §57-12-10.

Jury Demand

34. A demand for a 12 person jury is hereby made and such request shall be concurrently made with the Court.

Prayer For Relief

Wherefore Plaintiff is entitled to the following relief:

- a. A declaration that Defendants have defamed Plaintiff; have intentionally harmed Plaintiff by failing to seek authorization to use or alter her image; have held Plaintiff up to the public in a false light; have violated Plaintiff's right to privacy as well her right to choose the manner and nature of publication of her image; have violated the New Mexico Unfair Trade Practices Act to the injury of Plaintiff; and that Defendants will continue to do so unless enjoined by this Court;
- b. An order enjoining all defendants from continuing to injure Plaintiff in any manner resembling those alleged in this complaint;
- c. Compensatory damages, punitive damages, attorney's fees and costs as provided by law;
- d. Such other and further relief as the Court deems warranted.

Respectfully submitted,

By /s/ A. Blair Dunn, Esq.
A. Blair Dunn, Esq.,
6605 Uptown Blvd. NE #280
Albuquerque, NM 87110-4233
(T) 505-881-5155
(F) 505-881-5356

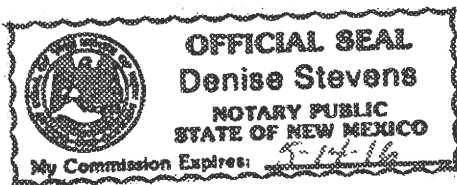
VERIFICATION

Plaintiff Veronica Vigil does hereby swear and affirm that the foregoing is true and correct to the best of my knowledge and acknowledge the same this 18th day of November 2014.

Veronica Vigil
Veronica Vigil

Denise Stevens
Notary Public

<SEAL>



ISSUED

FILED IN MY OFFICE
DISTRICT COURT CLERK
11/19/2014 11:05:23 AM
STEPHEN T. PACHECO
Victoria Neal

SUMMONS

FIRST JUDICIAL DISTRICT COURT
COUNTY OF RIO ARriba
STATE OF NEW MEXICO
P.O. Drawer 40
Tierra Amarilla, NM 87575
Phone: (575) 588-0058

VERONICA VIGIL,

Plaintiff,

CASE NO: D-117-CV-2014-00380

Assigned Judge: Sheri A. Raphaelson

v.

ANNE TAINTOR, ANNE TAINTOR, INC.,
and DOODLETS, LLC,

ANNE TAINTOR
3791 A HWY 96
YOUNGSVILLE, NM 87064

Defendants.


TO THE ABOVE NAMED DEFENDANT(S): Take notice that

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Tierra Amarilla, NM, New Mexico, this 19th day of November, 2014.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: 
Deputy

/s/ A. Blair Dunn

Attorney for Plaintiff:

A. Blair Dunn, Esq.

Attorney for the Plaintiff

6605 Uptown Blvd. NE, Suite 280

Albuquerque, New Mexico 87110

Telephone: (505) 881-5155

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to _____, a person over fifteen (15) years of age and residing at the usual place of abode of defendant _____, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at _____ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to _____, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at _____ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at _____ (*insert defendant's last known mailing address*).

☐ to _____, an agent authorized to receive service of process for defendant _____.

☐ to _____, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant _____ (*used when defendant is a minor or an incompetent person*).

[] to _____ (name of person),
_____, (title of person authorized to receive service. Use this
alternative when the defendant is a corporation or an association subject to a suit under
a common name, a land grant board of trustees, the State of New Mexico or any political
subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.

2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013.]

ISSUED

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STEPHEN T. PACHECO
Victoria Neal

SUMMONS

**FIRST JUDICIAL DISTRICT COURT
COUNTY OF RIO ARriba
STATE OF NEW MEXICO
P.O. Drawer 40
Tierra Amarilla, NM 87575
Phone: (575) 588-0058**

VERONICA VIGIL,

Plaintiff,

v.

**ANNE TAINTOR, ANNE TAINTOR, INC.,
and DOODLETS, LLC,**

**CASE NO: D-117-CV-2014-00380
Assigned Judge: Sheri A. Raphaelson**

**ANNE TAINTOR, INC.
3791 A HWY 96
YOUNGSVILLE, NM 87064**

Defendants.

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3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

Dated at Tierra Amarilla, NM, New Mexico, this 19th day of November, 2014.



STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Sheri A. Raphaelson*
Deputy

/s/ A. Blair Dunn
Attorney for Plaintiff:
A. Blair Dunn, Esq.
Attorney for the Plaintiff
6605 Uptown Blvd. NE, Suite 280
Albuquerque, New Mexico 87110
Telephone: (505) 881-5155

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RETURN¹

STATE OF NEW MEXICO)
)ss
COUNTY OF _____)

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in _____ county on the _____ day of _____, _____, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant _____ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

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incompetent person).

[] to _____ (name of person),
_____, (title of person authorized to receive service. Use this
alternative when the defendant is a corporation or an association subject to a suit under
a common name, a land grant board of trustees, the State of New Mexico or any political
subdivision).

Fees: _____

Signature of person making service

Title (if any)

Subscribed and sworn to before me this _____ day of _____, _____²

Judge, notary or other officer
authorized to administer oaths

Official title

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STATE OF NEW MEXICO
P.O. Drawer 40
Tierra Amarilla, NM 87575
Phone: (575) 588-0058**

VERONICA VIGIL,

Plaintiff,

**CASE NO: D-117-CV-2014-00380
Assigned Judge: Sheri A. Raphaelson**

v.

**ANNE TAINTOR, ANNE TAINTOR, INC.,
and DOODLET'S, LLC,**

**DOODLET'S, LLC
120 Don Gaspar Ave
Santa Fe, NM 87501**

Defendants.

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STEPHEN T. PACHECO
CLERK OF THE DISTRICT COURT

BY: *Sheri A. Dunn*
Deputy

/s/ A. Blair Dunn
Attorney for Plaintiff:
A. Blair Dunn, Esq.
Attorney for the Plaintiff
6605 Uptown Blvd. NE, Suite 280
Albuquerque, New Mexico 87110
Telephone: (505) 881-5155

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[] to _____ (name of person),
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STATE OF NEW MEXICO
COUNTY OF RIO ARriba
FIRST JUDICIAL DISTRICT COURT

VERONICA VIGIL,

Plaintiff,

vs.

Case No. D-117-CV-2014-00380

ANNE TAINTOR, ANNE TAINTOR, INC.,
and DOODLETS, LLC,

Defendants.

ENTRY OF APPEARANCE

The ARCHIBEQUE LAW FIRM, LLC hereby enters its appearance on behalf of Defendant Doodlets, LLC ("Defendant"), and requests that all notices, papers and other documents required to be served on Defendant be furnished to the undersigned.

DATED this 4th day of December, 2014.

ARCHIBEQUE LAW FIRM, LLC

/s/ Ronald C. Archibeque

Ronald C. Archibeque

John A. Frase

Juan M. Marquez

Lalita Devarakonda

Marisela Chavez

P.O. Box 94837

Albuquerque, NM 87199

(505) 750-2363

Fax: 505/792-6084

Attorneys for Defendant Doodlets, LLC

I hereby certify that a true and correct copy of the foregoing pleading was filed and served electronically through the EFS system on December 4, 2014 to counsel as follows:

A. Blair Dunn, Esq.
6605 Uptown Blvd., NE, #280
Albuquerque, NM 87110
(505) 881-5155
Attorney for Plaintiff

/s/ Ronald C. Archibeque
Ronald C. Archibeque, Esq.